1951

File No. Gas Supply II / 51 (R)

Legal Deptt

BRANCH

Subject:— Rules under the Bombay Gas Supply Act, 1939

P.2/E

File No. Gas. Supply II/51(R)

Gen. 194 e.

D12-B

Legal Department.

The draft notification at p. 35 ante:-

By the Bombay Gas Supply (Amendment) Act, 1950 (Bom. XIII of 1950) certain provisions of the present Act were amended and new section 6A to 7P were inserted in the parent Act. Since the parent Act has been brought into force in the State of Bombay with effect from the 1st January 1951 the amending Act also will merge in the parent Act and must be deemed to have come into force on the date on which it was published in the Bombay Government Gazette. There is no specific provision in the amending Act for bringing the amending Act into force. It is not therefore necessary to issue a notification at page 35 ante.

2. The draft notification at pages 37 to 39 ante, as amended, is in order.

3. The draft notification at page 41 ante:- It was not necessary to publish the notification under section 7A of the Act for the purpose of inviting objections or suggestions. It is now proposed by the Department to publish the notification along with the Rules. The Development Department had revised the notification before calling for objections and suggestions in the light of the observations made in the L.D. U.R. No. 16249, dated the 20th November 1950 at pages 5 to 6 ante. The Notification, however, does not follow the language of section 7A of the Act under which it is proposed to be issued. The notification has now been revised in terms of section 7A of the Act without interfering with the substance of the notification and also for the following reasons:-

(i) In para 1 of the draft notification it is stated that the standard of calorific value "should not exceed 5 per cent on either side as may be allowed from

time to time in the light of the circumstances." From the words used it appears to be the intention that the company is not to approach Government for permission to vary the value within the 5 per cent on either side. If so, the words underlined are redundant and have been deleted.

(ii) The same remarks apply to the provisions of para 2 under which it is provided that "reduction shall not be allowed to exceed 5 per cent except with the previous permission of Government in writing." It means that if such reduction exceeds 5 per cent the company is to obtain the sanction of Government. If Government is agreeable to such further ecess of 5 per cent it will have to amend the notification under section 7A of the Act when the need therefore arises.

(iii) It is observed that the Development Department proposes to delete the proviso to para 3 of the notification at page 41 ante.

4. A revised draft notification in the light of what is stated above is accordingly sent herewith.

5. The draft notification at page 43 ante, as amended is in order.

Sd/-
to
Deputy Secretary to Government.

U.R. to D.D., No. 16956, dated the 24th October 1951.

EVY. 25/6.